

June 8, 2015

Regulation Package No. 0115-01

CDSS MANUAL LETTER NO. CCL-15-11

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL,
TITLE 22, DIVISION 12, CHAPTER 1, CHILD CARE CENTERS

Regulation Package #0115-01

Effective 6/1/2015

Sections 101169, 101225 and 101425

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG638.htm>.

This manual letter includes changes to regulations to comply with Health and Safety Code section 1596.95(g) which requires that all information specified in Vehicle Code sections 27360 and 27360.5, about child passenger restraint systems, be posted at the entrance of any licensed child care center. Vehicle Code section 27360 provides that a child under eight (8) years of age is not to be transported in a motor vehicle without properly securing that child in an appropriate child passenger restraint system. Vehicle Code section 27360.5 provides that a child who is eight (8) years of age or older, but less than 16 years of age, is not to be transported in a motor vehicle without properly securing that child in an appropriate child passenger restraint system or safety belt. Vehicle Code section 27363 sets forth exemptions from the child safety belt and passenger restraint requirements.

Since these regulatory amendments are necessary to be consistent with a changed statute and the Department has no discretion to adopt a regulatory change which differs in substance from the statute, a public hearing was not necessary.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-15-10. The latest prior manual letter containing Child Care Centers regulation changes was Manual Letter No. CCL-15-09.

<u>Page(s)</u>	<u>Replace(s) Pages</u>
27.1 through 28	27.1 through 28
122 and 122.1	122 and 122.1
163 and 163.1	163 and 163.1

Attachments

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101169	APPLICATION FOR LICENSE (Continued)	101169
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(18) Evidence that the applicant has posted signs at the entrance to the child care center that provide the telephone number of the local health department and information on child passenger restraint systems pursuant to Health and Safety Code section 1596.95(g) and Vehicle Code sections 27360 and 27360.5.

(A) The signs shall provide all of the following information:

1. Protect your child – it is the law.
2. All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
3. Call your local health department for more information.

HANDBOOK BEGINS HERE

Health and Safety Code section 1596.95(g) provides:

Evidence satisfactory to the department that the applicant has posted signs at the point of entry to the facility that provide the telephone number of the local health department and state all of the following:

- (1) Protect your child – it is the law.
- (2) All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
- (3) Call your local health department for more information.

Vehicle Code section 27315(c)(1) provides:

As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

HANDBOOK CONTINUES

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Vehicle Code section 27315(d)(2) provides:

For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27360.5 provides:

- (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.
- (b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.

HANDBOOK CONTINUES

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- (c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.
- (d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, as defined in paragraph (2) of subdivision (d) of Section 27315, rather than by a child passenger restraint system.
- (e) Notwithstanding Section 27360, a child or ward under eight years of age may ride properly secured in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards in the front seat of a motor vehicle under any of the following circumstances:
 - (1) There is no rear seat.
 - (2) The rear seats are side-facing jump seats.
 - (3) The rear seats are rear-facing seats.
 - (4) The child passenger restraint system cannot be installed properly in the rear seat.
 - (5) All rear seats are already occupied by children seven years of age or under.
 - (6) Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.
- (f) Notwithstanding subdivision (e), a child shall not be transported in a rear-facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.

HANDBOOK ENDS HERE

101169	APPLICATION FOR LICENSE (Continued)	101169
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- (19) Such other information as may be required pursuant to Health and Safety Code Section 1596.95(h).

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Health and Safety Code section 1596.95(h) provides:

Any other information as may be required by the department for the proper administration and enforcement of this act.

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- (20) Evidence regarding the applicant's reputable and responsible character as required by Health and Safety Code Section 1596.95(b).

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Health and Safety Code section 1596.95(b) provides:

Evidence satisfactory to the department that the applicant is a reputable and responsible character. This evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references. If the applicant is a firm, association, organization, partnership, business trust, corporation, or company, evidence of reputable and responsible character shall be submitted as to the members or shareholders thereof, and the person in charge of the day care center for which application for issuance of license or special permit is made.

HANDBOOK ENDS HERE

- (e) The application shall be signed by the applicant.
- (1) If the applicant is a partnership, the application shall be signed by each partner.
- (2) If the applicant is a corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the authorized representative.
- (f) The application shall be filed with the Department's office that serves the geographical area in which the child care center is located.

| NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.81, 1596.83, 1596.856, 1596.877, 1596.95, 1596.952(a), 1596.955, and 1596.956, Health and Safety Code.

101225	TRANSPORTATION	101225
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- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport children.
- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport children shall be maintained in a safe operating condition.
- (d) All vehicle occupants shall be secured in an appropriate restraint system.
- (e) Children shall not be left in parked vehicles.
- (f) The licensee shall post signs at the entrance to the child care center that provide the telephone number of the local health department and information on child passenger restraint systems pursuant to Health and Safety Code section 1596.95(g) and Vehicle Code sections 27360 and 27360.5.
 - (1) The signs shall provide all of the following information:
 - (A) Protect your child--it is the law.
 - (B) All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
 - (C) Call your local health department for more information.

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Health and Safety Code section 1596.95(g) provides:

Evidence satisfactory to the department that the applicant has posted signs at the point of entry to the facility that provide the telephone number of the local health department and state all of the following:

- (1) Protect your child--it is the law.
- (2) All the information specified in Sections 27360 and 27360.5 of the Vehicle Code regarding child passenger restraint systems.
- (3) Call your local health department for more information.

HANDBOOK CONTINUES

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Vehicle Code section 27315(c)(1) provides:

As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

Vehicle Code section 27315(d)(2) provides:

For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27360.5 provides:

- (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.

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101425	INFANT CARE TRANSPORTATION (Continued)	101425
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- (2) Vehicle Code section 27360 requires that children as specified must be secured in a child passenger restraint system.

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Vehicle Code section 27315(c)(1) provides:

As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

Vehicle Code section 27360 provides:

- (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.
- (b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

Vehicle Code section 27363 provides:

- (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.
- (b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.
- (c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.
- (d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, as defined in paragraph (2) of subdivision (d) of Section 27315, rather than by a child passenger restraint system.

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- (e) Notwithstanding Section 27360, a child or ward under eight years of age may ride properly secured in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards in the front seat of a motor vehicle under any of the following circumstances:
 - (1) There is no rear seat.
 - (2) The rear seats are side-facing jump seats.
 - (3) The rear seats are rear-facing seats.
 - (4) The child passenger restraint system cannot be installed properly in the rear seat.
 - (5) All rear seats are already occupied by children seven years of age or under.
 - (6) Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.
- (f) Notwithstanding subdivision (e), a child shall not be transported in a rear-facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.

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- (e) The staff-infant ratio shall be maintained while transporting infants in motor vehicles.
 - (1) The required supervision ratios shall be maintained whether the vehicle is moving or parked.
- (f) Infants in motor vehicles shall have constant adult supervision and shall not be left unattended under any circumstances.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.